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September 14, 2023

BY EMAIL

The Honorable Kevin McNulty
United States District Judge
District of New Jersey
njdnef_mcnulty@njd.uscourts.gov

**Re: 20 Cr. 826 (KM) *United States v. Andrew McCubbins*,
Letter Motion to Modify Bail Conditions**

Dear Judge McNulty:

Andrew McCubbins, the defendant in the above captioned matter, waived indictment, consented to plead guilty via video conferencing and pled guilty before you, on September 24, 2020. Mr. McCubbins, who was in Draper, Utah at the time of his guilty plea, was immediately released on a \$1 million secured appearance bond, co-signed by his wife, Staci McCubbins, and secured by an agreement to forfeit and a perfected lien on 14708 South Draper Woods Cove, Draper, Utah 84020. (ECF 7).

At the time of his release, you imposed the following additional conditions for Mr. McCubbins's release:

- Report to Pretrial Services as directed and advise them immediately of any contact with law enforcement personnel, including but not limited to any arrest, questioning or traffic stop;
- Continue or actively seek employment;
- Surrender all passports and travel documents to Pretrial Services. Do not apply for new travel documents;
- **The defendant's travel is restricted to Utah, unless approved by Pretrial Services (PTS);**
- Substance abuse testing and/or treatment as directed by PTS. Refrain from obstructing or tampering with substance abuse testing procedures/equipment;
- Surrender/do not possessing any firearm, destructive device, or other dangerous weapons; All firearms in any home in which the defendant resides, shall be removed, in compliance with New Jersey state law, within 24 hours and verification provided to PTS. The defendant shall also surrender all firearm purchaser identification cards and permits to PTS;
- Mental health testing/treatment as directed by PTS;
- Maintain or actively seek employment and/or commence an education program;

- Have no contact with ... victims or witnesses; as well as coconspirators/co-defendants unless in the presence of defense counsel;
- The defendant shall report to the USMS for processing ...; and
- The defendant is prohibited from submitting, or causing to be submitted, any claims to Medicare, Tricare, other federal health care program, or any commercial insurance program aside from claims to those programs for personal health care services or health care services of a family member.

Over the past nearly three years that he has been under PTS supervision in Utah, Mr. McCubbins has complied with *all* of the above-mentioned conditions. Due to his exemplary compliance record, and at the suggestion and consent of his Utah PTS Officer, Caroline Bye-Routh, Mr. McCubbins seeks to modify the current travel restriction, *i.e.*, from “travel is restricted to Utah unless approved by PTS” to the “defendant’s travel is restricted to the United States including Alaska and Hawaii.” Additionally, both New Jersey PTS Officer, Ms. Elizabeth G. Charleston, and Assistant United States Attorney, Garrett Schuman, informed the undersigned that they do not oppose this request.

Accordingly, Mr. McCubbins respectfully proposes that the Court modify the current travel condition of his release to allow him unrestricted travel within the United States including Alaska and Hawaii, without approval from PTS. All other conditions of release to remain in full force and effect.

Thank you for your consideration of this request.

Respectfully submitted,

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